STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ALYSSA LOUISE ADAMS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MARY ADAMS,

Respondent-Appellant,

and

LAWRENCE DALE TROMBLEY,

Respondent.

UNPUBLISHED
July 3, 2003

No. 245712
Mecosta Circuit Court
Family Division
LC No. 02-004222-NA

Before: Smolenski, P.J., and Cooper, and Fort Hood, JJ.

PER CURIAM.

Respondent Mary Adams (hereafter "respondent") appeals as of right from an order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g). We affirm.

I

Respondent contends that the trial court did not properly obtain jurisdiction over the child because it based jurisdiction solely on the stipulation of the parties, without finding adequate factual support for an exercise of jurisdiction. This issue is not properly before us because it constitutes an improper collateral attack on the trial court's exercise of jurisdiction. It is well established that a respondent in a child protective proceeding cannot collaterally attack the trial court's exercise of jurisdiction in a subsequent appeal of an order terminating the respondent's parental rights. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). As this Court explained in *In re Bechard*, 211 Mich App 155, 159-160; 535 NW2d 220 (1995), when a trial court issues a written order taking jurisdiction, the respondent must directly appeal that written order, and cannot later raise a jurisdictional issue collaterally in an appeal of the order terminating parental rights. See also *Hatcher, supra*. Here, the trial court asserted jurisdiction in

a written order entered on June 4, 2002. Respondent may not now collaterally challenge the trial court's exercise of jurisdiction in this appeal.

In any event, we find no error in the trial court's exercise of jurisdiction. The court emphasized that the parties were stipulating to the admission of evidence in support of jurisdiction, not to jurisdiction itself. Furthermore, the testimony from the prior proceedings established a factual basis for the court's jurisdiction, specifically, that respondent was neglecting all but her child's most basic needs, and that the child was beginning to suffer developmentally while in her care. This was sufficient to support a finding of jurisdiction under MCL 712A.2(b)(1) and (2). MCR 5.972(C)(1); *In re Snyder*, 223 Mich App 85, 88; 566 NW2d 18 (1997). We also conclude that the trial court's reliance on the prior testimony and record was an acceptable means of establishing factual support for respondent's plea. MCR 5.971(C)(2).

II

Respondent also contends that the trial court erred in finding sufficient evidence of the statutory ground to terminate her parental rights. In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). This Court reviews the trial court's findings of fact under the clearly erroneous standard. MCR 5.974(I); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Here, there was sufficient evidence to establish that termination was warranted under § 19b(3)(g). Respondent was clearly unable to do anything more than meet the child's most basic needs. She could not manage to stimulate the child to meet her developmental, educational, and emotional needs, nor could she manage to keep up with essential household tasks of dishwashing and laundry. Despite receiving numerous services and intensive efforts by petitioner to help her manage all of these obligations, she remained adamant that she could not handle more than she was already doing. Already, there was a gap between the child's needs and respondent's capabilities, which would only widen as the child grew and required increasingly more than the bare minimum of food and warmth. Given respondent's failure to benefit from past services, her repeated requests for adult foster care for both herself and the child, her failure to consistently visit the child, and her failure to appreciate the child's need for stimulation and interaction, there was no reasonable likelihood that she would be able to properly care for the child within a reasonable period of time.

Affirmed.

/s/ Michael R. Smolenski
/s/ Jessica R. Cooper
/s/ Karen M. Fort Hood